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Randy Zimler

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Room 2A-207

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EXAMINER

LOO, JUVENA W

ART UNIT

PAPER NUMBER

2473

MAIL DATE

DELIVERY MODE

03/16/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/743,358	Applicant(s) ZIMLER ET AL.	
	Examiner JUVENA LOO	Art Unit 2473	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 6, and 8 - 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Counterman (US 2002/0136240 A1) in view of Locklear, Jr. et al. (US 6,483,870 B1).

Counterman discloses a method and apparatus for service comprising:

Regarding claim 1, *a method of providing communications services* (Counterman: see "A method and apparatus...working portion of the shared line" in Abstract), *comprising:*

logically bonding a first physical medium to a subscriber's premise (Counterman: see Figure 8, 238 to customer premise 2; see also "A specific application...at the customer premises itself" in page 3, sections 0029 - 0032);

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connecting a second physical medium to the subscriber's premise (Counterman: see Figure 8, 236 to customer premise 2; see also "A specific application...at the customer premises itself" in page 3, sections 0029 - 0032);

connecting the second physical medium to another subscriber's premise (Counterman: see Figure 8, 230 to customer premise 1; see also "A specific application...at the customer premises itself" in page 3, sections 0029 - 0032);

sharing the second physical medium amongst the subscriber's premise and the another subscribers' premise (Counterman: see Figure 8, One Metallic Pair 228, 238 to customer premise 2 and 230 to customer premise 1; see also "A specific application...at the customer premises itself" in page 3, sections 0029 - 0032).

Counterman does not explicitly disclose the features comprising:

receiving a request for communications service from the subscriber's premise;

when the requested communication service exceeds an available bandwidth of the first physical medium, then temporarily dedicating and logically bonding the second physical medium to the subscriber's premise to provide additional bandwidth, such that first physical medium and the second physical medium share a session of information;

providing the requested communications service via the logically bonded first physical medium and the temporarily dedicated and logically bonded second physical medium;

when the additional bandwidth is no longer needed, removing the temporary dedicated and logical bonding of the second physical medium; and

reverting the second physical medium to its shared configuration, thus allowing the another subscriber to receive increased bandwidth when required.

Locklear, Jr. et al. discloses a communication system that supports communication sessions between a variety of networks and devices using XDSL communication techniques comprising the features:

receiving a request for communications service from the subscriber's premise (Locklear: see Figure 1 and "To initiate a session...to device 12" in column 5, lines 1 - 2);

when the requested communication service exceeds an available bandwidth of the first physical medium, then temporarily dedicating and logically bonding the second physical medium to the subscriber's premise to provide additional bandwidth, such that first physical medium and the second physical medium share a session of information (Locklear: see "Figures 1, 2, and 3; see also "In accordance with...to the comparison" in column 2, lines 11 – 18; see also "To initiate a session...device 12 and server 16" in column 5, lines 1 – 67; see also "FIG. 2 illustrates in greater...twisted pair line 22" in column 6, lines 1 -13; see also "Interface 68 couples device...activate or inactivate" in column 6, line 44 through column 8, line 24; see also Figure 5 and "FIG. 5 is a flowchart 300...proceeds to step 302" in column 10 line 1 through column 11, line 15; see also Figure 7 and "FIG. 7 is...information 78" in column 11, lines 48 – column 12, line 10);

providing the requested communications service via the logically bonded first physical medium and the temporarily dedicated and logically bonded second physical medium (Locklear: see “Figures 1, 2, and 3; see also “In accordance with...to the comparison” in column 2, lines 11 – 18; see also “To initiate a session...device 12 and server 16” in column 5, lines 1 – 67; see also “FIG. 2 illustrates in greater...twisted pair line 22” in column 6, lines 1 -13; see also “Interface 68 couples device...activate or inactivate” in column 6, line 44 through column 8, line 24; see also Figure 5 and “FIG. 5 is a flowchart 300...proceeds to step 302” in column 10 line 1 through column 11, line 15; see also Figure 7 and “FIG. 7 is...information 78” in column 11, lines 48 – column 12, line 10); *and*

when the additional bandwidth is no longer needed, removing the temporary dedicated and logical bonding of the second physical medium (Locklear: see “Figures 1, 2, and 3; see also “In accordance with...to the comparison” in column 2, lines 11 – 18; see also “To initiate a session...device 12 and server 16” in column 5, lines 1 – 67; see also “FIG. 2 illustrates in greater...twisted pair line 22” in column 6, lines 1 -13; see also “Interface 68 couples device...activate or inactivate” in column 6, line 44 through column 8, line 24; see also Figure 5 and “FIG. 5 is a flowchart 300...proceeds to step 302” in column 10 line 1 through column 11, line 15; see also Figure 7 and “FIG. 7 is...information 78” in column 11, lines 48 – column 12, line 10); *and*

reverting the second physical medium to its shared configuration, thus allowing the another subscriber to receive increased bandwidth when required (Locklear: see “Figures 1, 2, and 3; see also “In accordance with...to the comparison” in column 2,

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lines 11 – 18; see also “To initiate a session...device 12 and server 16” in column 5, lines 1 – 67; see also “FIG. 2 illustrates in greater...twisted pair line 22” in column 6, lines 1 -13; see also “Interface 68 couples device...activate or inactivate” in column 6, line 44 through column 8, line 24; see also Figure 5 and “FIG. 5 is a flowchart 300...proceeds to step 302” in column 10 line 1 through column 11, line 15).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Counterman by using the features, as taught by Locklear, in order to provide additional bandwidth when needed in a communication session (Locklear: see Abstract and column 2, lines 27 – 42).

Regarding claim 6, *further comprising temporarily logically bonding additional physical media, each additional physical media dynamically shared to provide additional bandwidth* (Locklear: see “Figures 1, 2, and 3; see also “In accordance with...to the comparison” in column 2, lines 11 – 18; see also “To initiate a session...device 12 and server 16” in column 5, lines 1 – 67; see also “FIG. 2 illustrates in greater...twisted pair line 22” in column 6, lines 1 -13; see also “Interface 68 couples device...activate or inactivate” in column 6, line 44 through column 8, line 24; see also Figure 5 and “FIG. 5 is a flowchart 300...proceeds to step 302” in column 10 line 1 through column 11, line 15; see also Figure 7 and “FIG. 7 is...information 78” in column 11, lines 48 – column 12, line 10).

Regarding claim 8, *further comprising temporarily dedicating and logically bonding n physical media, such that first physical medium and the n physical media share the same session of information* (Locklear: see “Figures 1, 2, and 3; see also “In accordance with...to the comparison” in column 2, lines 11 – 18; see also “To initiate a session...device 12 and server 16” in column 5, lines 1 – 67; see also “FIG. 2 illustrates in greater...twisted pair line 22” in column 6, lines 1 -13; see also “Interface 68 couples device...activate or inactivate” in column 6, line 44 through column 8, line 24; see also Figure 5 and “FIG. 5 is a flowchart 300...proceeds to step 302” in column 10 line 1 through column 11, line 15; see also Figure 7 and “FIG. 7 is...information 78” in column 11, lines 48 – column 12, line 10).

Regarding claim 9, *a method of providing communications services, comprising:*
configuring a first twisted pair to provide Digital Subscriber Line service to a subscriber's premise (Counterman: see Figure 8, 238 to customer premise 2; see also “A specific application...at the customer premises itself” in page 3, sections 0029 - 0032);

configuring a second twisted pair for shared Digital Subscriber Line service, amongst the subscriber's premise and another subscriber's premise (Counterman: see Figure 8, 236 to customer premise 2; see also “A specific application...at the customer premises itself” in page 3, sections 0029 – 0032; see also Figure 9, Distribution Network, 322, 330, 336);

transmitting digital subscriber line signals to the subscriber's premise via the first twisted pair (Counterman: see Figure 8, 238 to customer premise 2; see also "A specific application...at the customer premises itself" in page 3, sections 0029 - 0032);

Counterman does not disclose the features:

receiving a request for communications service;

when the requested communications service exceeds an available bandwidth of the first twisted pair, then temporarily dedicating and logically bonding the second twisted pair to the destination to provide additional bandwidth;

providing the requested communications service via the logically bonded first twisted pair and the temporarily dedicated and logically bonded second twisted pair; and

when the additional bandwidth is not needed, removing the temporary logical bonding of the second twisted pair; and

reverting the second twisted pair to its shared configuration, thus allowing the another subscriber's premise to receive increased bandwidth when required.

Locklear, Jr. et al. discloses a communication system that supports communication sessions between a variety of networks and devices using XDSL communication techniques comprising the features:

receiving a request for communications service (Locklear: see Figure 1 and "To initiate a session...to device 12" in column 5, lines 1 - 2);

when the requested communications service exceeds an available bandwidth of the first twisted pair, then temporarily dedicating and logically bonding the second twisted pair to the subscriber's premise to provide additional bandwidth (Locklear: see "Figures 1, 2, and 3; see also "In accordance with...to the comparison" in column 2, lines 11 – 18; see also "To initiate a session...device 12 and server 16" in column 5, lines 1 – 67; see also "FIG. 2 illustrates in greater...twisted pair line 22" in column 6, lines 1 -13; see also "Interface 68 couples device...activate or inactivate" in column 6, line 44 through column 8, line 24; see also Figure 5 and "FIG. 5 is a flowchart 300...proceeds to step 302" in column 10 line 1 through column 11, line 15; see also Figure 7 and "FIG. 7 is...information 78" in column 11, lines 48 – column 12, line 10);

providing the requested communications service via the logically bonded first twisted pair and the temporarily dedicated and logically bonded second twisted pair (Locklear: see "Figures 1, 2, and 3; see also "In accordance with...to the comparison" in column 2, lines 11 – 18; see also "To initiate a session...device 12 and server 16" in column 5, lines 1 – 67; see also "FIG. 2 illustrates in greater...twisted pair line 22" in column 6, lines 1 -13; see also "Interface 68 couples device...activate or inactivate" in column 6, line 44 through column 8, line 24; see also Figure 5 and "FIG. 5 is a flowchart 300...proceeds to step 302" in column 10 line 1 through column 11, line 15; see also Figure 7 and "FIG. 7 is...information 78" in column 11, lines 48 – column 12, line 10);
and

when the additional bandwidth is not needed, removing the temporary logical bonding of the second twisted pair (Locklear: see "Figures 1, 2, and 3; see also "In

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accordance with...to the comparison” in column 2, lines 11 – 18; see also “To initiate a session...device 12 and server 16” in column 5, lines 1 – 67; see also “FIG. 2 illustrates in greater...twisted pair line 22” in column 6, lines 1 -13; see also “Interface 68 couples device...activate or inactivate” in column 6, line 44 through column 8, line 24; see also Figure 5 and “FIG. 5 is a flowchart 300...proceeds to step 302” in column 10 line 1 through column 11, line 15; see also Figure 7 and “FIG. 7 is...information 78” in column 11, lines 48 – column 12, line 10).

reverting the second twisted pair to its shared configuration, thus allowing the another subscriber's premise to receive increased bandwidth when required (Locklear: see “Figures 1, 2, and 3; see also “In accordance with...to the comparison” in column 2, lines 11 – 18; see also “To initiate a session...device 12 and server 16” in column 5, lines 1 – 67; see also “FIG. 2 illustrates in greater...twisted pair line 22” in column 6, lines 1 -13; see also “Interface 68 couples device...activate or inactivate” in column 6, line 44 through column 8, line 24; see also Figure 5 and “FIG. 5 is a flowchart 300...proceeds to step 302” in column 10 line 1 through column 11, line 15; see also Figure 7 and “FIG. 7 is...information 78” in column 11, lines 48 – column 12, line 10).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Counterman by using the features, as taught by Locklear, in order to provide additional bandwidth when needed in a communication session (Locklear: see Abstract and column 2, lines 27 – 42).

Regarding claim 10, *further comprising sharing the same session of information* (Locklear: see “Figures 1, 2, and 3; see also “In accordance with...to the comparison” in column 2, lines 11 – 18; see also “To initiate a session...device 12 and server 16” in column 5, lines 1 – 67; see also “FIG. 2 illustrates in greater...twisted pair line 22” in column 6, lines 1 -13; see also “Interface 68 couples device...activate or inactivate” in column 6, line 44 through column 8, line 24; see also Figure 5 and “FIG. 5 is a flowchart 300...proceeds to step 302” in column 10 line 1 through column 11, line 15; see also Figure 7 and “FIG. 7 is...information 78” in column 11, lines 48 – column 12, line 10).

Regarding claim 11, *further comprising connecting the second twisted pair and the first twisted pair to the subscriber's premise, such that first twisted pair and the second twisted pair share the same session of information* (Locklear: see “Figures 1, 2, and 3; see also “In accordance with...to the comparison” in column 2, lines 11 – 18; see also “To initiate a session...device 12 and server 16” in column 5, lines 1 – 67; see also “FIG. 2 illustrates in greater...twisted pair line 22” in column 6, lines 1 -13; see also “Interface 68 couples device...activate or inactivate” in column 6, line 44 through column 8, line 24; see also Figure 5 and “FIG. 5 is a flowchart 300...proceeds to step 302” in column 10 line 1 through column 11, line 15; see also Figure 7 and “FIG. 7 is...information 78” in column 11, lines 48 – column 12, line 10).

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Regarding claim 12, *further comprising transmitting the digital subscriber line signals to the subscriber's premise via a third dedicated twisted pair, the third dedicated twisted pair shared amongst the subscriber's premise and the another subscriber's premise, the third twisted pair providing more additional bandwidth* (Counterman: Figure 8, 238 and 236; see also Figure 9, 322; see also "A specific application of the concept...share the same line" in pages 3 – 4, sections 0029 – 0038; Locklear: see "Figures 1, 2, and 3; see also "In accordance with...to the comparison" in column 2, lines 11 – 18; see also "To initiate a session...device 12 and server 16" in column 5, lines 1 – 67; see also "FIG. 2 illustrates in greater...twisted pair line 22" in column 6, lines 1 -13; see also "Interface 68 couples device...activate or inactivate" in column 6, line 44 through column 8, line 24; see also Figure 5 and "FIG. 5 is a flowchart 300...proceeds to step 302" in column 10 line 1 through column 11, line 15; see also Figure 7 and "FIG. 7 is...information 78" in column 11, lines 48 – column 12, line 10).

Regarding claim 13, *further comprising instructing a network device to logically bond the second twisted pair and the first twisted pair when transmitting the digital subscriber line signals to the subscriber's premise, such that first twisted pair and the second twisted pair share the same session of information* (Locklear: see "Figures 1, 2, and 3; see also "In accordance with...to the comparison" in column 2, lines 11 – 18; see also "To initiate a session...device 12 and server 16" in column 5, lines 1 – 67; see also "FIG. 2 illustrates in greater...twisted pair line 22" in column 6, lines 1 -13; see also "Interface 68 couples device...activate or inactivate" in column 6, line 44 through

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column 8, line 24; see also Figure 5 and “FIG. 5 is a flowchart 300...proceeds to step 302” in column 10 line 1 through column 11, line 15; see also Figure 7 and “FIG. 7 is...information 78” in column 11, lines 48 – column 12, line 10).

Regarding claim 14, *further comprising dedicating and logically bonding n twisted pairs to the first twisted pair when transmitting the digital subscriber line signals to the subscriber's premise, such that first twisted pair and the n twisted pairs share the same session of information* (Counterman: Figure 8, 238 and 236; see also Figure 9, 322; see also “A specific application of the concept...share the same line” in pages 3 – 4, sections 0029 – 0038; Locklear: see “Figures 1, 2, and 3; see also “In accordance with...to the comparison” in column 2, lines 11 – 18; see also “To initiate a session...device 12 and server 16” in column 5, lines 1 – 67; see also “FIG. 2 illustrates in greater...twisted pair line 22” in column 6, lines 1 -13; see also “Interface 68 couples device...activate or inactivate” in column 6, line 44 through column 8, line 24; see also Figure 5 and “FIG. 5 is a flowchart 300...proceeds to step 302” in column 10 line 1 through column 11, line 15; see also Figure 7 and “FIG. 7 is...information 78” in column 11, lines 48 – column 12, line 10).

Regarding claim 15, *A method of providing communications services* (Counterman: see “A method and apparatus...working portion of the shared line” in Abstract), *comprising:*

logically bonding a first physical medium to the client communications device
(Counterman: see Figure 8, 238 to customer premise 2; see also “A specific application...at the customer premises itself” in page 3, sections 0029 - 0032);

Counterman does not explicitly disclose the features comprising:

receiving a request for communications services from a client communications device;

temporarily dedicating and logically bonding a second physical medium to the client communications device, the second physical medium being dynamically dedicated and shared amongst multiple client communications devices to provide additional bandwidth when required;

providing the communications services via the logically bonded first physical medium and the second physical medium;

when the additional bandwidth is no longer needed, reverting the second physical medium to its shared configuration, thus allowing another customer to receive increased bandwidth when required.

Locklear, Jr. et al. discloses a communication system that supports communication sessions between a variety of networks and devices using XDSL communication techniques comprising the features:

receiving a request for communications services from a client communications device (Locklear: see Figure 1 and “To initiate a session...to device 12” in column 5, lines 1 - 2);

temporarily dedicating and logically bonding a second physical medium to the client communications device (Locklear: see “Figures 1, 2, and 3; see also “In accordance with...to the comparison” in column 2, lines 11 – 18; see also “To initiate a session...device 12 and server 16” in column 5, lines 1 – 67; see also “FIG. 2 illustrates in greater...twisted pair line 22” in column 6, lines 1 -13; see also “Interface 68 couples device...activate or inactivate” in column 6, line 44 through column 8, line 24; see also Figure 5 and “FIG. 5 is a flowchart 300...proceeds to step 302” in column 10 line 1 through column 11, line 15; see also Figure 7 and “FIG. 7 is...information 78” in column 11, lines 48 – column 12, line 10), *the second physical medium being dynamically dedicated and shared amongst multiple client communications devices to provide additional bandwidth when required* (Locklear: see “Figures 1, 2, and 3; see also “In accordance with...to the comparison” in column 2, lines 11 – 18; see also “To initiate a session...device 12 and server 16” in column 5, lines 1 – 67; see also “FIG. 2 illustrates in greater...twisted pair line 22” in column 6, lines 1 -13; see also “Interface 68 couples device...activate or inactivate” in column 6, line 44 through column 8, line 24; see also Figure 5 and “FIG. 5 is a flowchart 300...proceeds to step 302” in column 10 line 1 through column 11, line 15; see also Figure 7 and “FIG. 7 is...information 78” in column 11, lines 48 – column 12, line 10);

providing the communications services via the logically bonded first physical medium and the second physical medium (Locklear: see “Figures 1, 2, and 3; see also “In accordance with...to the comparison” in column 2, lines 11 – 18; see also “To initiate a session...device 12 and server 16” in column 5, lines 1 – 67; see also “FIG. 2 illustrates in greater...twisted pair line 22” in column 6, lines 1 -13; see also “Interface 68 couples device...activate or inactivate” in column 6, line 44 through column 8, line 24; see also Figure 5 and “FIG. 5 is a flowchart 300...proceeds to step 302” in column 10 line 1 through column 11, line 15; see also Figure 7 and “FIG. 7 is...information 78” in column 11, lines 48 – column 12, line 10); *and*

when the additional bandwidth is no longer needed, reverting the second physical medium to its shared configuration, thus allowing another customer to receive increased bandwidth when required (Locklear: see “Figures 1, 2, and 3; see also “In accordance with...to the comparison” in column 2, lines 11 – 18; see also “To initiate a session...device 12 and server 16” in column 5, lines 1 – 67; see also “FIG. 2 illustrates in greater...twisted pair line 22” in column 6, lines 1 -13; see also “Interface 68 couples device...activate or inactivate” in column 6, line 44 through column 8, line 24; see also Figure 5 and “FIG. 5 is a flowchart 300...proceeds to step 302” in column 10 line 1 through column 11, line 15; see also Figure 7 and “FIG. 7 is...information 78” in column 11, lines 48 – column 12, line 10).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Counterman by using the features, as taught by

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Locklear, in order to provide additional bandwidth when needed in a communication session (Locklear: see Abstract and column 2, lines 27 – 42).

3. Claims 2-5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Counterman (US 2002/0136240 A1) in view of Locklear, Jr. et al. (US 6,483,870 B1) and further in view of Gerszberg et al. (US 6,452,923 B1).

Gerszberg et al. discloses a twisted pair and/or coaxial cable fed, integrated residence gateway controlled set-top device comprising the following features:

Regarding claim 2, *wherein logically bonding the first physical medium comprises logically bonding a twisted pair* (Gerszberg: see Figure 12, 620 and “the NIU 600 may...twisted pair cabling” in column 22, lines 49 – 62).

Regarding claim 3, *wherein logically bonding the first physical medium comprises logically bonding a coaxial cable* (Gerszberg: see Figure 12, 630 and “a cable 630...set-top and/or a TV 514).

Regarding claim 4, *wherein logically bonding the first physical medium comprises logically bonding a fiber optic cable* (Gerszberg: see Figure 1E, Fiber Access).

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Regarding claim 5, *wherein providing the requested communications service comprises transmitting signals via at least one of i) a combination of a twisted pair and a coaxial cable, ii) a combination of a twisted pair and a fiber optic cable, and iii) a combination of a coaxial cable and a fiber optic cable* (Gerszberg: see Figure 1E and Figure 12).

Regarding claim 7, *providing the requested communications service comprises transmitting signals via a shared twisted pair* (Gerszberg: see Figure 1E and Figure 10).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Counterman with Locklear using the features, as taught by Gerszberg et al., in order to integrated services to customer devices (Gerszberg: see Abstract).

Response to Arguments

4. Applicant's arguments filed December 18, 2009 have been fully considered but they are not persuasive.

5. Applicant argued that, as in page 7, that "Counterman's shared line, though, is not "dedicated" when additional bandwidth is needed. Counterman's shared line, in contradistinction, simultaneously delivers service to the physically separate subscribers".

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6. In response, the Examiner would like to point out that the claim limitation does not require the service be simultaneously delivered. Therefore, it is not necessary to consider the argued feature. Counterman reference, as pointed out by the Examiner, does not disclose temporarily dedicating the second physical medium to the subscriber to provide additional bandwidth when the requested service exceeds an available bandwidth. Therefore, drop pair 236 and 238 can be considered being dedicated to CPE 2 because there is no additional bandwidth allocated to either line 236 or 238. Since the claim does not indicate what is referred as "the first and the second physical medium", may that a cable line or a modem for instance. The teaching of Locklear, in which when a modem's rate exceeds a predetermined percentage (when the requested service exceeds an available bandwidth of the first physical medium), another modem is requested for being used/added (temporarily dedicated the second physical medium to provide additional medium), can be used (see Locklear, column 2, lines 25 -40 and Figure 7, column 11, line 50 to column 12, line 10).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUVENA LOO whose telephone number is (571)270-1974. The examiner can normally be reached on Monday - Friday: 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang Yao can be reached on (571) 272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hanh Nguyen/
Primary Examiner, Art Unit 2416

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